**CYNULLIAD CENEDLAETHOL CYMRU**

OFFERYNNAU STATUDOL

# 2007 Rhif 1069 (Cy.109)

# ADDYSG, CYMRU

## Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwyso Deddfiadau) (Cymru) 2007

### NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)*

Mae adran 19 o Ddeddf Addysg 1996 ("y Ddeddf") yn ei gwneud yn ofynnol i awdurdodau addysg lleol wneud trefniadau i ddarparu addysg addas yn yr ysgol neu heblaw mewn ysgol ar gyfer y plant hynny o oedran ysgol gorfodol nad ydynt, oherwydd salwch, gwaharddiad o'r ysgol neu fel arall, yn derbyn am unrhyw gyfnod, addysg addas oni wneir trefniadau o'r fath ar eu cyfer. Adnabyddir unrhyw ysgol a sefydlwyd ac a gynhelir gan awdurdod addysg lleol sydd wedi'i threfnu'n arbennig i ddarparu addysg ar gyfer plant o'r fath, yn uned cyfeirio disgyblion.

Mae Atodlen 1 i'r Ddeddf yn darparu ar gyfer rheoliadau sy'n cymhwyso deddfiadau i unedau cyfeirio disgyblion.

Mae'r Rheoliadau hyn yn cymhwyso gwahanol ddeddfiadau addysg i unedau cyfeirio disgyblion yng Nghymru. Maent yn cymryd i ystyriaeth ddeddfwriaeth addysg a basiwyd, ers i rheoliadau gael ei gwneud ddiwethaf i gymhwyso deddfiadau i unedau cyfeirio disgyblion yng Nghymru. Mae'r rheoliadau cynt hynny'n cael eu dirymu gan reoliad 2 o'r Rheoliadau hyn.

**NATIONAL ASSEMBLY FOR WALES**

STATUTORY INSTRUMENTS

# 2007 No. 1069 (W.109)

# EDUCATION, WALES

## The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 19 of the Education Act 1996 ("the Act") requires local education authorities to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. Any school established and maintained by a local education authority which is specially organised to provide education for such children is known as a pupil referral unit.

Schedule 1 to the Act provides for regulations to apply enactments to pupil referral units.

These Regulations apply various education enactments to pupil referral units in Wales. They take account of education legislation enacted since regulations were last made applying enactments to pupil referral units in Wales. Those earlier regulations are revoked by regulation 2 of these Regulations.

OFFERYNNAU STATUDOL

# 2007 Rhif 1069 (Cy.109)

# ADDYSG, CYMRU

## Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwyso Deddfiadau) (Cymru) 2007

| | |
|---|---|
| *Wedi'u gwneud* | *27 Mawrth 2007* |
| *Yn dod i rym* | *23 Ebrill 2007* |

Drwy arfer ei bwerau o dan adran 569(4) a (5) o Ddeddf Addysg 1996 a pharagraff 3 o Atodlen 1 iddi(**1**), mae Cynulliad Cenedlaethol Cymru drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn, cymhwyso a dehongli**

**1**.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwyso Deddfiadau) (Cymru) 2007 a deuant i rym ar 23 Ebrill 2007.

(2) Mae'r Rheoliadau hyn yn gymwys o ran unedau yng Nghymru.

(3) Yn y Rheoliadau hyn ystyr "unedau" yw unedau cyfeirio disgyblion.

**Dirymu**

**2**. Dirymir Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwyso Deddfiadau) 1994(**2**) a Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwyso Deddfiadau) (Diwygio) 1996(**3**).

(**1**) 1996 p. 56. Rhoddwyd y pwerau i'r Ysgrifennydd Gwladol: gweler y diffiniad o "regulations" yn adran 579 o Ddeddf 1996. Yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), mae'r pwerau yn arferadwy gan y Cynulliad o ran Cymru.

(**2**) O.S. 1994/2103.

(**3**) O.S. 1996/2087.

STATUTORY INSTRUMENTS

# 2007 No. 1069 (W.109)

# EDUCATION, WALES

## The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007

| | |
|---|---|
| *Made* | *27 March 2007* |
| *Coming into force* | *23 April 2007* |

In the exercise of its powers under section 569(4) and (5) of, and paragraph 3 of Schedule 1 to, the Education Act 1996(**1**), the National Assembly for Wales hereby makes the following Regulations:

**Title, commencement, application and interpretation**

**1**.-(1) The title of these Regulations is the Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 and they come into force on 23 April 2007.

(2) These Regulations apply in relation to units in Wales.

(3) In these Regulations "units" means pupil referral units.

**Revocation**

**2**. The Education (Pupil Referral Units) (Application of Enactments) Regulations 1994(**2**) and the Education (Pupil Referral Units) (Application of Enactments) (Amendment) Regulations 1996(**3**) are revoked.

(**1**) 1996 c. 56. The powers were conferred upon the Secretary of State: see the definition of "regulations" in section 579 of the 1996 Act. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers are exercisable by the Assembly in relation to Wales.

(**2**) S.I. 1994/2103.

(**3**) S.I. 1996/2087.

**Cymhwyso ac addasu deddfiadau**

**3**. Mae'r deddfiadau a grybwyllir yn Atodlen 1 i'r Rheoliadau hyn yn gymwys i unedau gyda'r addasiadau a ragnodir yn yr Atodlen honno.

**Datgymhwyso deddfiadau**

**4**. Nid yw'r deddfiadau a grybwyllir yn Atodlen 2 i'r Rheoliadau hyn yn gymwys o ran unedau.

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**1**)

27 Mawrth 2007

Llywydd y Cynulliad Cenedlaethol

(**1**) 1998 p. 38.

**Application and modification of enactments**

**3**. The enactments mentioned in Schedule 1 to these Regulations apply in relation to units with the modifications prescribed in that Schedule.

**Disapplication of enactments**

**4**. The enactments mentioned in Schedule 2 to these Regulations do not apply in relation to units.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**1**)

27 March 2007

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

(**1**) 1998 c. 38.

## ATODLEN 1

Rheoliad 3

## DEDDFIADAU SY'N GYMWYS I UNEDAU (GYDAG ADDASIADAU NEU HEBDDYNT)

### RHAN 1

Deddfwriaeth Sylfaenol

**Deddf Addysg 1996**

**1**. Mae adran 404 o Ddeddf Addysg 1996(**1**) yn gymwys o ran yr athro neu'r athrawes â gofal uned fel y mae'n gymwys o ran corff llywodraethu ysgol a gynhelir, ond dim ond o ran disgyblion y darperir addysg uwchradd iddynt yn yr uned.

**2**. Mae adran 405 o'r Ddeddf honno yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion a gynhelir gyda'r addasiad fod y geiriau ", except so far as such education is comprised in the National Curriculum," yn cael eu hepgor.

**3**. Mae adran 559 o'r Ddeddf honno(**2**) yn gymwys o ran plentyn sy'n ddisgybl cofrestredig mewn uned fel y mae'n gymwys o ran plentyn sy'n ddisgybl cofrestredig mewn ysgol gymunedol, ysgol sefydledig, ysgol wirfoddol neu ysgol arbennig.

**Deddf Safonau a Fframwaith Ysgolion 1998**

**4**.-(1) Mae adran 19 o Ddeddf Safonau a Fframwaith Ysgolion 1998(**3**) yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion a gynhelir yng Nghymru gyda'r addasiadau canlynol.

(2) Mae is-adran (1) yn gymwys os bydd yr amgylchiadau a osodir yn adran 15(6) o'r Ddeddf honno ar unrhyw adeg yn gymwys o ran uned.

(3) Yn is-adran (2) hepgorer y cyfeiriad at gorff llywodraethu ym mharagraff (a), a hepgorer paragraffau (b) a (c).

(**1**) Diwygiwyd Adran 404 gan baragraff 103 o Atodlen 30, ac Atodlen 31, i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), a chan adran 148(1) a (6) o Ddeddf Dysgu a Medrau 2000 (p. 21).

(**2**) Diwygiwyd adran 559 gan baragraff 171 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(**3**) 1998 p. 31. Diwygiwyd adran 19 gan adran 149 o Ddeddf Dysgu a Medrau 2000 a pharagraffau 1 a 79 o Atodlen 9 ohoni (p. 21) a chan adran 45 o Ddeddf Addysg 2005.

## SCHEDULE 1

Regulation 3

## ENACTMENTS APPLYING (WITH OR WITHOUT MODIFICATIONS) IN RELATION TO UNITS

### PART 1

Primary Legislation

**Education Act 1996**

**1**. Section 404 of the Education Act 1996(**1**) applies in relation to the teacher in charge of a unit as it applies in relation to the governing body of a maintained school, but only in relation to pupils who are provided with secondary education at the unit.

**2**. Section 405 of that Act applies in relation to units as it applies in relation to maintained schools with the modification that the words ", except so far as such education is comprised in the National Curriculum," are omitted.

**3**. Section 559 of that Act(**2**) applies in relation to a child who is a registered pupil at a unit as it applies in relation to a child who is a registered pupil at a community, foundation, voluntary or special school.

**School Standards and Framework Act 1998**

**4**.-(1) Section 19 of the School Standards and Framework Act 1998(**3**) applies in relation to units as it applies in relation to maintained schools in Wales with the following modifications.

(2) Subsection (1) applies if at any time the circumstances set out in section 15(6) of that Act apply in relation to a unit.

(3) In subsection (2) the reference to the governing body in paragraph (a) is omitted, and paragraphs (b) and (c) are omitted.

(**1**) Section 404 was amended by paragraph 103 of Schedule 30, and Schedule 31 to, the School Standards and Framework Act 1998 (c. 31), and section 148(1) and (6) of the Learning and Skills Act 2000 (c. 21).

(**2**) Section 559 was amended by paragraph 171 of Schedule 30 to the School Standards and Framework Act 1998.

(**3**) 1998 c. 31. Section 19 was amended by section 149 of, and paragraph s 1 and 79 of the Learning and Skills Act 2000 (c. 21) and by section 45 of the Education Act 2005.

(4) Yn is-adran (3) hepgorer y cyfeiriad at gorff llywodraethu.

**5**. Mae adran 61 o'r Ddeddf honno'n gymwys o ran unedau fel y mae'n gymwys o ran ysgolion a gynhelir yng Nghymru (o fewn ystyr Rhan II o'r Ddeddf honno) gyda'r addasiad y rhodder yn lle cyfeiriadau at y corff llywodraethu gyfeiriadau at bwyllgor rheoli'r uned neu, yn achos uned sydd heb bwyllgor rheoli, yr awdurdod addysg lleol.

**6**. Mae is-adrannau (1), (2) a (4) o adran 62 o'r Ddeddf honno yn gymwys o ran uned fel y maent yn gymwys o ran ysgolion a gynhelir (o fewn ystyr Rhan II o'r Ddeddf honno) gyda'r addasiadau-

(a) bod y cyfeiriad yn is-adran (2)(b) at gorff llywodraethu yn gyfeiriad at yr athro neu'r athrawes â gofal yr uned, a

(b) bod y cyfeiriad yn is-adran (4) at gorff llywodraethu yn cael ei hepgor.

**Deddf Addysg 2002**

**7**. Mae adran 29(3) o Deddf Addysg 2002(**1**) yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion a gynhelir (o fewn ystyr Pennod 1 o Ran 3 o'r Ddeddf honno).

**8**. Mae adran 30(4) o'r Ddeddf honno'n gymwys o ran unedau fel y mae'n gymwys o ran ysgolion a gynhelir (o fewn ystyr Pennod 1 o Ran 3 o'r Ddeddf honno) gyda'r addasiad fod y geiriau "the governing body or (as the case may be)" a "the governing body or" yn cael eu hepgor.

**9**. Mae adran 32 o'r Ddeddf honno yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion a grybwyllir yn adran 32(1) gyda'r addasiad yn adran 32(1)(b), yn achos uned sydd â phwyllgor rheoli, mai'r awdurdod addysg lleol ynghyd â'r pwyllgor rheoli fydd yn penderfynu amserau'r sesiynau ysgol.

**10**. Mae adran 101(1)(d) o'r Ddeddf honno yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion arbennig.

**Deddf Addysg 2005**

**11**.-(1) Mae Rhan 1 o Ddeddf Addysg 2005(**2**) yn gymwys o ran unedau fel pe baent yn ysgolion a gynhelir y mae adran 28 o'r Ddeddf honno yn gymwys iddi gyda'r addasiadau canlynol.

(**1**) 2002 p. 32.

(**2**) 2005 p. 18.

(4) In subsection (3) the reference to the governing body is omitted.

**5**. Section 61 of that Act applies in relation to units as it applies in relation to maintained schools in Wales (within the meaning of Part II of that Act) with the modification that for references to the governing body there are substituted references to the management committee of the unit or, in the case of a unit not having a management committee, the local education authority.

**6**. Subsections (1), (2) and (4) of section 62 of that Act apply in relation to units as they apply in relation to maintained schools (within the meaning of Part II of that Act) with the modifications that-

(a) the reference in subsection (2)(b) to the governing body is a reference to the teacher in charge of the unit, and

(b) the reference in subsection (4) to the governing body is omitted.

**Education Act 2002**

**7**. Section 29(3) of the Education Act 2002(**1**) applies in relation to units as it applies in relation to maintained schools (within the meaning of Chapter 1 of Part 3 of that Act).

**8**. Section 30(4) of that Act applies in relation to units as it applies in relation to maintained schools (within the meaning of Chapter 1 of Part 3 of that Act) with the modification that the words "the governing body or (as the case may be)" and "the governing body or" are omitted.

**9**. Section 32 of that Act applies in relation to units as it applies in relation to schools mentioned in section 32(1) with the modification that in section 32(1)(b), in the case of a unit having a management committee, the local education authority together with the management committee shall determine the times of the school sessions.

**10**. Section 101(1)(d) of that Act applies in relation to units as it applies in relation to special schools.

**Education Act 2005**

**11**.-(1) Part 1 of the Education Act 2005(**2**) applies in relation to units as if they were maintained schools to which section 28 of that Act applies with the following modifications.

(**1**) 2002 c. 32.

(**2**) 2005 c. 18.

(2) Hepgorer Pennod 1 a 2, adrannau 36(3)(c), 39(9), 40, 48, 49 a 50 a pharagraff 3(5)(c) yn Atodlen 4.

(3) Yn lle adran 38(3)(c), rhodder "the local education authority".

(4) Yn lle adran 39(3)(b), rhodder "teacher in charge of the unit".

(5) Yn adran 43 ac yn Atodlen 4, o ran uned, ystyr "appropriate authority" yw'r awdurdod addysg lleol.

**RHAN 2**

Is-ddeddfwriaeth

**Rheoliadau'r Awdurdod Addysg Lleol (Talu Treuliau Ysgol) 1999**

**12**. Mae rheoliad 2 o Reoliadau'r Awdurdod Addysg Lleol (Talu Treuliau Ysgol) 1999(**1**) yn gymwys o ran disgybl sy'n mynychu uned fel y mae'n gymwys o ran plentyn sy'n mynychu ysgol gymunedol, ysgol sefydledig, ysgol wirfoddol neu ysgol arbennig.

**Rheoliadau Addysg (Arolygu Ysgolion) (Cymru) 2006**

**13**.-(1) Mae Rhannau 1 a 2 o Reoliadau Addysg (Arolygu Ysgolion) (Cymru) 2006(**2**) yn gymwys o ran unedau fel pe baent yn ysgolion a gynhelir y mae adran 28 o Ddeddf Addysg 2005 yn gymwys iddynt, gyda'r addasiadau canlynol.

(2) Yn lle'r diffiniad o "awdurdod priodol" yn rheoliad 4(1), rhodder "yr awdurdod addysg lleol".

(3) Yn rheoliad 7(1), hepgorer is-baragraffau (a) i (ch).

(4) Mae rheoliad 7(1)(dd) yn gymwys i unedau fel y mae'n gymwys i ysgolion uwchradd.

**Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006**

**14**.-(1) Mae Rhan 1 o Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(**3**) yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion y cyfeirir atynt yn rheoliad 3 gyda'r addasiadau canlynol.

(**1**) O.S. 1999/1727.

(**2**) O.S. 2006/1714 (Cy. 176).

(**3**) O.S. O.S. 2006/873 (Cy. 81).

(2) Chapters 1 and 2, sections 36(3)(c), 39(9), 40, 48, 49 and 50 and paragraph 3(5)(c) of Schedule 4 are omitted.

(3) For section 38(3)(c), there is substituted "the local education authority".

(4) For section 39(3)(b), there is substituted the "teacher in charge of the unit".

(5) In section 43 and in Schedule 4, in relation to a unit, "appropriate authority" means the local education authority.

**PART 2**

Subordinate Legislation

**The Local Education Authority (Payment of School Expenses) Regulations 1999**

**12**. Regulation 2 of the Local Education Authority (Payment of School Expenses) Regulations 1999(**1**) applies in relation to a pupil attending a unit as it applies in relation to a child attending a community, foundation, voluntary or special school.

**The Education (School Inspection) (Wales) Regulations 2006**

**13**.-(1) Parts 1 and 2 of the Education (School Inspection) (Wales) Regulations 2006(**2**) apply in relation to units as if they were maintained schools to which section 28 of the Education Act 2005 applies, with the following modifications.

(2) For the definition of "appropriate authority" in regulation 4(1), there is substituted "the local education authority".

(3) In regulation 7(1), sub-paragraphs (a) to (d) are omitted.

(4) Regulation 7(1)(f) applies to units as it applies to secondary schools.

**The Staffing of Maintained Schools (Wales) Regulations 2006**

**14**.-(1) Part 1 of the Staffing of Maintained Schools (Wales) Regulations 2006(**3**) applies in relation to units as it applies in relation to schools referred to in regulation 3 with the following modifications.

(**1**) S.I. 1999/1727.

(**2**) S.I. 2006/1714 (W. 176).

(**3**) S.I. 2006/873 (W. 81).

(2) Mae'r ddyletswydd o dan reoliad 4(1) yn ddyletswydd yr awdurdod addysg lleol.

(3) Yn rheoliad 5-

(a) ym mharagraff (1), hepgorer "15, 26 a 27";

(b) ym mharagraff (2), hepgorer is-baragraffau (b) ac (c); ac

(c) hepgorer paragraff (3).

(4) Hepgorer rheoliad 6.

(5) Yn rheoliad 7, hepgorer paragraffau (4)(a) a 5.

**15**.-(1) Mae Rhan 2 o'r Rheoliadau hynny yn gymwys o ran unedau fel y mae'n gymwys o ran ysgolion y cyfeirir atynt yn rheoliad 9 gyda'r addasiadau canlynol.

(2) Yn lle rheoliad 10, rhodder-

"(a) Rhaid i'r awdurdod addysg lleol sicrhau pryd bynnag y bydd swydd athro neu athrawes â gofal uned yn wag bod person yn cael ei benodi yn athro gweithredol neu'n athrawes weithredol â gofal er mwyn cyflawni swyddogaethau athro neu athrawes â gofal o dan unrhyw ddeddfiad.

(b) Wrth benderfynu os yw person yn addas ar gyfer ei benodi'n athro neu'n athrawes â gofal, neu'n athro gweithredol neu'n athrawes weithredol â gofal uned, rhaid i'r awdurdod addysg lleol roi sylw i unrhyw ganllawiau a roddir o dro i dro gan y Cynulliad Cenedlaethol.".

(3) Hepgorer rheoliad 11.

(4) Yn lle rheoliad 12, rhodder-

"(a) Wrth benodi person i swydd, neu wrth gymryd person ymlaen i weithio mewn dull arall, mewn uned, rhaid i'r awdurdod addysg lleol roi sylw i unrhyw ganllawiau a roddir o dro i dro gan y Cynulliad Cenedlaethol.

(b) Mae'r rheoliad hwn yn gymwys o ran swyddi staff cymorth a gwaith staff cymorth fel y mae'n gymwys o ran swyddi addysgu a gwaith athrawon".

(5) Hepgorer rheoliad 13.

(6) Yn lle rheoliad 14, rhodder-

"I'r graddau y mae'n rhesymol ymarferol i wneud hynny, rhaid i'r awdurdod addysg lleol geisio cyngor yr athro neu'r athrawes â gofal uned, a rhaid iddo ystyried unrhyw gyngor a roddir, cyn gwneud unrhyw benodiad neu ymrwymo i gymryd unrhyw un ymlaen o dan reoliad 12.".

(7) Hepgorer rheoliadau 15 a 17 i 19.

(2) The duty under regulation 4(1) is a duty of the local education authority.

(3) In regulation 5-

(a) in paragraph (1), "15, 26 and 27" are omitted;

(b) in paragraph (2), sub-paragraphs (b) and (c) are omitted; and

(c) paragraph (3) is omitted.

(4) Regulation 6 is omitted.

(5) In regulation 7, paragraphs (4)(a) and 5 are omitted.

**15**.-(1) Part 2 of those Regulations applies in relation to units as it applies in relation to schools referred to in regulation 9 with the following modifications.

(2) For regulation 10, there is substituted-

"(a) The local education authority must ensure that whenever there is a vacancy in the post of teacher in charge of the unit a person is appointed as acting teacher in charge in order to carry out the functions of the teacher in charge under any enactment.

(b) In determining whether a person is suitable for appointment as a teacher in charge, or an acting teacher in charge, of a unit, the local education authority must have regard to any guidance given from time to time by the National Assembly.".

(3) Regulation 11 is omitted.

(4) For regulation 12, there is substituted-

"(a) In appointing a person to a post, or engaging a person otherwise to work, at a unit, the local education authority must have regard to any guidance given from time to time by the National Assembly.

(b) This regulation applies in relation to support staff posts and the work of support staff as it applies in relation to teaching posts and the work of teachers".

(5) Regulation 13 is omitted.

(6) For regulation 14, there is substituted-

"In so far as it is reasonably practicable to do so, the local education authority must seek the advice of the teacher in charge of the unit, and must consider any advice given, before making any appointment or entering into any engagement under regulation 12.".

(7) Regulations 15 and 17 to 19 are omitted.

(8) Yn lle rheoliad 16, rhodder-

"(1) Mae gan yr awdurdod addysg lleol a chan yr athro neu'r athrawes â gofal uned y pwer i atal unrhyw berson a gyflogir, neu a gymerwyd ymlaen heblaw o dan gontract cyflogaeth, i weithio yn yr ysgol ac, ym marn yr awdurdod neu (yn ôl y digwydd) ym marn yr athro neu'r athrawes â gofal, y mae angen ei atal.

(2) Rhaid i'r person sy'n arfer y pwer i atal hysbysu'r person arall sydd â'r pwer i atal o dan baragraff (1) ar unwaith.

(3) Dim ond yr awdurdod addysg lleol a all roi diwedd ar ataliad o dan y rheoliad hwn a phan roddir diwedd ar ataliad, rhaid i'r awdurdod hysbysu'r pennaeth ar unwaith.

(4) Yn y rheoliad hwn ystyr "atal" yw atal heb golli tâl.".

## ATODLEN 2

Rheoliad 4

## DEDDFIADAU A DDATGYMHWYSIR O RAN UNEDAU

### Deddfwriaeth Sylfaenol

**Deddf Safonau a Fframwaith Ysgolion 1998**

**1**. Nid yw adrannau 86 (**1**) a 94(**2**) o Ddeddf Safonau a Fframwaith Ysgolion 1998 yn gymwys o ran unedau.

### Is-ddeddfwriaeth

**Rheoliadau Addysg (Y Diwrnod Ysgol a'r Flwyddyn Ysgol) (Cymru) 2003**

**2**. Nid yw Rheoliadau Addysg (Y Diwrnod Ysgol a'r Flwyddyn Ysgol) (Cymru) 2003(**3**) yn gymwys o ran unedau.

(**1**) Diwygiwyd adran 86 gan adran 47(1) o Ddeddf Addysg 2002 a chan baragraff 3 o Atodlen 4, ac Atodlen 22 Rhan 3 iddi.

(**2**) Diwygiwyd adran 94 gan adran 50 o Ddeddf Addysg 2002 a chan baragraff 8 o Atodlen 4 iddi.

(**3**) O.S. 2003/3231.

(8) For regulation 16, there is substituted-

"(1) Both the local education authority and the teacher in charge of a unit have power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the school where, in the opinion of the authority or (as the case may be) the teacher in charge, suspension is required.

(2) A person who exercises the power to suspend must immediately inform the other person with the power to suspend under paragraph (1).

(3) A suspension under this regulation may be ended only by the local education authority and, when a suspension is ended, the authority must immediately inform the head teacher.

(4) In this regulation "suspend" means suspend without loss of emoluments.".

## SCHEDULE 2

Regulation 4

## ENACTMENTS DISAPPLIED IN RELATION TO UNITS

### Primary Legislation

**School Standards and Framework Act 1998**

**1**. Sections 86(**1**) and 94(**2**) of the School Standards and Framework Act 1998 do not apply in relation to units.

### Subordinate Legislation

**Education (School Day and School Year) (Wales) Regulations 2003**

**2**. The Education (School Day and School Year) (Wales) Regulations 2003(**3**) do not apply in relation to units.

(**1**) Section 86 was amended by section 47(1) of, paragraph 3 of Schedule 4, and Schedule 22 Part 3 to, the Education Act 2002.

(**2**) Section 94 was amended by section 50 of, and paragraph 8 of Schedule 4 to, the Education Act 2002.

(**3**) S.I. 2003/3231.

OFFERYNNAU STATUDOL

## 2007 Rhif 1069 (Cy.109)

## ADDYSG, CYMRU

# Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwyso Deddfiadau) (Cymru) 2007

STATUTORY INSTRUMENTS

## 2007 No. 1069 (W.109)

## EDUCATION, WALES

# The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007

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